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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 21, 2019**

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# JOURNAL OF THE SENATE

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THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 21, 2019

The Senate met in regular session at 9:00 a.m., President Schneider presiding.

Prayer was offered by Pastor Trevor Pinegar of the Federated Church of Bondurant in Bondurant, Iowa. He was the guest of Senator Nunn.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jackson Birdwell.

The Journal of Wednesday, February 20, 2019, was approved.

## BILLS REFERRED TO COMMITTEE

President Schneider announced that **Senate Files 279 and 321** were referred from the Regular Calendar to the committee on **Ways and Means** under Senate Rule 38.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 20, 2019, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 223](#), a bill for an act relating to reimbursement of witness mileage expenses.

Read first time and referred to committee on **Judiciary**.

[House File 262](#), a bill for an act prohibiting pyramid promotional schemes and making penalties applicable.

Read first time and referred to committee on **Commerce**.

[House File 264](#), a bill for an act relating to the division of domestic stock insurers.

Read first time and attached to **companion** [Senate File 330](#).

[House File 266](#), a bill for an act relating to the civil commitment of sexually violent predators.

Read first time and attached to **companion** [Senate File 328](#).

[House File 291](#), a bill for an act relating to the community spouse resource allowance under the Medicaid program.

Read first time and referred to committee on **Human Resources**.

[House File 292](#), a bill for an act relating to the frequency of the reporting of the annual analysis and findings relative to Medicaid managed care member appeals.

Read first time and referred to committee on **Human Resources**.

[House File 323](#), a bill for an act relating to the exploitation of a dependent adult by a caretaker.

Read first time and attached to **companion** [Senate File 153](#).

#### INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Chris Kramer, the Governor's appointee to be the Director of the Department of Cultural Affairs. She was the guest of Senators Jochum and R. Smith and the committee on State Government.

The Secretary of the Senate introduced Debi Durham, the Governor's appointee to be the Executive Director of the Iowa Finance Authority. She was the guest of Senators Jochum and R. Smith and the committee on Commerce.

The Secretary of the Senate introduced Matt Strawn, the Governor's appointee to be the CEO of the Iowa Lottery Authority. He was the guest of Senators Jochum and R. Smith and the committee on State Government.

#### ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 9:10 a.m. until 1:00 p.m., Monday, February 25, 2019.

#### APPENDIX

##### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

##### DEPARTMENT OF EDUCATION

Kindergarten Literacy Assessment (KLA) Report, pursuant to Iowa Code section 279.60. Report received on February 21, 2019.

##### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Staci Ackerson, Charles City—For receiving the Neal Smith Entrepreneur of the Year Award from the Iowa Small Business Development Center. Senator Brown.

Jim Magdefrau, Van Horne—Upon his retirement and for his service to the community. Senator Kapucian.

Sara Winkleman of S & B Farmstead Distillery, Bancroft—For receiving the 2019 Deb Dalziel Woman Entrepreneurial Award from the Iowa Small Business Development Center. Senator Guth.

## REPORTS OF COMMITTEE MEETINGS

## AGRICULTURE

**Convened:** Wednesday, February 6, 2019, 1:10 p.m.

**Members Present:** Zumbach, Chair; Sweeney, Vice Chair; Kinney, Ranking Member; Brown, Costello, Edler, Kapucian, Mathis, Ragan, Rozenboom, Shipley, R. Taylor, and Wahls.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:15 p.m.

**ALSO:**

**Convened:** Tuesday, February 12, 2019, 2:00 p.m.

**Members Present:** Zumbach, Chair; Sweeney, Vice Chair; Kinney, Ranking Member; Brown, Costello, Edler, Kapucian, Mathis, Ragan, Rozenboom, Shipley, R. Taylor, and Wahls.

**Members Absent:** None.

**Committee Business:** [SSB 1111](#) was approved, as amended, 13-0. [SF 170](#) was approved, 13-0.

**Adjourned:** 2:40 p.m.

**ALSO:**

**Convened:** Wednesday, February 20, 2019, 1:00 p.m.

**Members Present:** Zumbach, Chair; Sweeney, Vice Chair; Brown, Costello, Edler, Kapucian, Mathis, Ragan, Rozenboom, Shipley, R. Taylor, and Wahls.

**Members Absent:** Kinney, Ranking Member (excused).

**Committee Business:** [SF 279](#).

**Adjourned:** 1:30 p.m.

## JUDICIARY

**Convened:** Wednesday, February 20, 2019, 2:05 p.m.

**Members Present:** Zaun, Chair; Dawson, Vice Chair; Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting.

**Members Absent:** Kinney, Ranking Member (excused).

**Committee Business:** [SJR 10](#); [SSB 1138](#), [SSB 1004](#), [SSB 1074](#), [SF 212](#), [SSB 1107](#), and [SSB 1075](#).

**Adjourned:** 3:50 p.m.

#### STATE GOVERNMENT

**Convened:** Thursday, February 21, 2019, 2:05 p.m.

**Members Present:** R. Smith, Chair; Johnson, Vice Chair; Bisignano, Ranking Member; Celsi, Chapman, Cournoyer, Dawson, Feenstra, Jochum, Lykam, Schultz, T. Taylor, Whiting, and Zaun.

**Members Absent:** Miller-Meeks (excused).

**Committee Business:** [SSB 1153](#), [SSB 1141](#), and [SSB 1068](#).

**Adjourned:** 2:55 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Thursday, February 21, 2019, 10:00 a.m.

**Members Present:** Kraayenbrink, Chair; Sinclair, Vice Chair; Wahls, Ranking Member; Koelker, and Quirmbach.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Thursday, February 21, 2019, 10:05 a.m.

**Members Present:** Garrett, Chair; Nunn, Vice Chair; Hogg, Ranking Member; Carlin, and T. Taylor.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 11:10 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

**Convened:** Thursday, February 21, 2019, 10:00 a.m.

**Members Present:** Johnson, Chair; Lykam, Ranking Member; Boulton, and Dawson.

**Members Absent:** R. Smith, Vice Chair (excused).

**Committee Business:** Presentations by Department of Public Safety and Department of Human Services.

**Adjourned:** 10:45 a.m.

#### INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 18](#), by committee on Judiciary, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the right of the people to keep and bear arms.

Read first time under Rule 28 and **placed on calendar**.

#### INTRODUCTION OF BILLS

[Senate File 338](#), by committee on Judiciary, a bill for an act relating to the transfer of dangerous persons with mental illness from a hospital for persons with mental illness to the Iowa medical and classification center.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 339](#), by committee on Judiciary, a bill for an act relating to state employee defense and indemnification from certain claims and actions.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 340](#), by committee on Veterans Affairs, a bill for an act relating to the notification of a county commission of veteran affairs of the incarceration of a veteran at a jail or municipal holding facility.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 341](#), by committee on Veterans Affairs, a bill for an act relating to assistance animals and service animals in housing, service animals and service-animals-in-training in public accommodations, and misrepresentation of an animal as a service animal or a service-animal-in-training, providing penalties, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 342](#), by committee on Judiciary, a bill for an act providing limited immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons under twenty-one years of age who report, seek, or require emergency assistance for alcohol overdoses or protection from certain crimes, and modifying penalties.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 343](#), by committee on Judiciary, a bill for an act prohibiting the use of automated or remote systems for traffic law enforcement, requiring the removal of existing systems, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 344](#), by committee on Judiciary, a bill for an act relating to excuse from jury service for persons at least seventy-two years of age.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 345](#), by committee on Judiciary, a bill for an act relating to the payment of required medical aid provided to prisoners of county jails.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 346](#), by committee on Judiciary, a bill for an act creating the criminal offense of female genital mutilation and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 347](#), by Miller-Meeks, a bill for an act relating to pharmacy benefit managers and health carriers and management of prescription drug benefits, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 348](#), by Miller-Meeks, a bill for an act relating to the prescribing and dispensing of self-administered hormonal contraceptives.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 349](#), by Boulton, Bisignano, Hogg, Dotzler, Bolkcom, T. Taylor, Jochum, J. Smith, Quirnbach, Wahls, Mathis, Ragan, R. Taylor, Kinney, Celsi, Petersen, and Lykam, a bill for an act relating to workers' compensation.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 350](#), by Boulton, a bill for an act concerning employment matters involving public employees including collective bargaining, educator employment matters, personnel records and settlement agreements, city civil service requirements, and health insurance matters, and including effective date, applicability, and transition provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 351](#), by Schneider and Nunn, a bill for an act relating to utility service cost disclosures in connection with certain rental properties, providing penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 352](#), by Schneider, a bill for an act relating to alternative pathways and alternative practitioner preparation programs leading to initial teacher and administrator licenses and endorsements.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 353](#), by Schneider, a bill for an act requesting the establishment of an interim committee to study the feasibility of allowing a day of virtual instruction to count as a minimum school day when inclement weather causes schools to close.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 354](#), by Cournoyer, a bill for an act requesting the establishment of an interim study committee to consider school district and accredited nonpublic school use of online learning technology as a means to meet minimum school day or school hour requirements when inclement weather causes schools to close.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 355](#), by Cournoyer, a bill for an act relating to the midwest interstate passenger rail compact, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 356](#), by Segebart, a bill for an act relating to the operation of vehicles transporting materials or equipment on highways to or from a construction project or commercial plant site.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 357](#), by Jochum, a bill for an act relating to child restraint systems in motor vehicles, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 358](#), by Jochum, J. Smith, Wahls, Boulton, R. Taylor, Quirnbach, Petersen, Celsi, and T. Taylor, a bill for an act relating to the termination of Medicaid managed care contracts, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 359](#), by Jochum, a bill for an act relating to the credentialing and recredentialing of Medicaid providers by a single state-procured credentialing verification organization.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 360](#), by Costello, a bill for an act relating to the temporary delegation of parental authority by the parent, guardian, or legal custodian of a child.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 361](#), by Brown, Chapman, Zaun, and Edler, a bill for an act relating to the siting and operation of certain wind energy conversion facilities.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 362](#), by T. Taylor, a bill for an act relating to bidder qualifications with respect to county and city public contracts.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 363](#), by R. Smith, a bill for an act relating to theft and the intent to deprive a person of the possession or control of certain property.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 364](#), by committee on Judiciary, a bill for an act relating to the Iowa sobriety and drug monitoring program.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 365](#), by Jochum, a bill for an act relating to the child and dependent care credit and the early childhood development credit available against the individual income tax, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

#### STUDY BILLS RECEIVED

[SSB 1189](#)      **Human Resources**

Relating to tobacco cessation services under the Medicaid program.

[SSB 1190](#)      **Education**

Relating to the responsibilities and authority of school districts or school corporations, accredited nonpublic schools, or area education agencies.

[SSB 1191](#)      **State Government**

Authorizing savings promotion drawings under specified conditions, and making penalties applicable.

[SSB 1192](#)      **State Government**

Relating to computer software verification requirements for certain service contracts.

#### SUBCOMMITTEE ASSIGNMENTS

[Senate Concurrent Resolution 7](#)

AGRICULTURE: Zumbach, Chair; Kinney and Sweeney

[Senate Joint Resolution 8](#)

(Reassigned)

JUDICIARY: Chapman, Chair; Bisignano and Sweeney

[Senate File 295](#)

TRANSPORTATION: Brown, Chair; T. Taylor and Whiting

[Senate File 296](#)

JUDICIARY: Schultz, Chair; Chapman and Hogg

[Senate File 297](#)

EDUCATION: Behn, Chair; Celsi and Zaun

[Senate File 298](#)

EDUCATION: Lofgren, Chair; Sinclair and J. Smith

[Senate File 300](#)

LOCAL GOVERNMENT: Segebart, Chair; Guth and J. Smith

[Senate File 301](#)

LOCAL GOVERNMENT: Kraayenbrink, Chair; Segebart and J. Smith

[Senate File 311](#)

EDUCATION: Sinclair, Chair; Cournoyer and Wahls

[Senate File 312](#)

COMMERCE: Nunn, Chair; Lykam and Miller-Meeks

[Senate File 313](#)

COMMERCE: Dawson, Chair; Chapman and Petersen

[Senate File 315](#)

JUDICIARY: Chapman, Chair; Garrett and Kinney

[Senate File 317](#)

EDUCATION: Sinclair, Chair; Quirnbach and Sweeney

[Senate File 318](#)

EDUCATION: Sinclair, Chair; Kraayenbrink and Quirnbach

[Senate File 325](#)

WAYS AND MEANS: Feenstra, Chair; R. Smith and Wahls

[Senate File 332](#)

TRANSPORTATION: Breitbach, Chair; Koelker and Lykam

[SSB 1189](#)

HUMAN RESOURCES: Miller-Meeks, Chair; Greene and Quirmbach

[SSB 1190](#)

EDUCATION: Sinclair, Chair; Behn and Quirmbach

[SSB 1191](#)

STATE GOVERNMENT: Cournoyer, Chair; Celsi and R. Smith

[SSB 1192](#)

STATE GOVERNMENT: Cournoyer, Chair; Johnson and T. Taylor

FINAL COMMITTEE REPORTS OF BILL ACTION

**JUDICIARY**

**Bill Title:** [\\*SENATE JOINT RESOLUTION 18](#) (formerly [SJR 10](#)), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the right of the people to keep and bear arms.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 10: Zaun, Dawson, Chapman, Garrett, Nunn, Schultz, Shipley, Sinclair, Sweeney, and Whiting. Nays, 4: Bisignano, Hogg, Petersen, and R. Taylor. Absent, 1: Kinney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate Joint Resolution 18](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [SENATE FILE 338 \(SSB 1056\)](#), a bill for an act relating to the transfer of dangerous persons with mental illness from a hospital for persons with mental illness to the Iowa medical and classification center.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 10: Zaun, Dawson, Chapman, Garrett, Nunn, Schultz, Shipley, Sinclair, Sweeney, and Whiting. Nays, 5: Kinney, Bisignano, Hogg, Petersen, and R. Taylor. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 339 \(SSB 1068\)](#), a bill for an act relating to state employee defense and indemnification from certain claims and actions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 15: Zaun, Dawson, Kinney, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 342 \(SSB 1107\)](#), a bill for an act providing limited immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons under twenty-one years of age who report, seek, or require emergency assistance for alcohol overdoses or protection from certain crimes, and modifying penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 14: Zaun, Dawson, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting. Nays, none. Absent, 1: Kinney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 343 \(SSB 1004\)](#), a bill for an act prohibiting the use of automated or remote systems for traffic law enforcement, requiring the removal of existing systems, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 9: Zaun, Chapman, Garrett, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting. Nays, 5: Dawson, Bisignano, Hogg, Nunn, and Petersen. Absent, 1: Kinney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 344 \(SSB 1138\)](#), a bill for an act relating to excuse from jury service for persons at least seventy-two years of age.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 14: Zaun, Dawson, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting. Nays, none. Absent, 1: Kinney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 345 \(SSB 1074\)](#), a bill for an act relating to the payment of required medical aid provided to prisoners of county jails.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 9: Zaun, Dawson, Chapman, Garrett, Nunn, Schultz, Shipley, Sinclair, and Whiting. Nays, 5: Bisignano, Hogg, Petersen, Sweeney, and R. Taylor. Absent, 1: Kinney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 346](#) (formerly [SF 212](#)), a bill for an act creating the criminal offense of female genital mutilation and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 14: Zaun, Dawson, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting. Nays, none. Absent, 1: Kinney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [\\*SENATE FILE 364 \(SSB 1055\)](#), a bill for an act relating to the Iowa sobriety and drug monitoring program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 15: Zaun, Dawson, Kinney, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, R. Taylor, and Whiting. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 364](#), and they were attached to the committee report.

#### **VETERANS AFFAIRS**

**Bill Title:** \*[SENATE FILE 340](#) (formerly [SF 124](#)), a bill for an act relating to the notification of a county commission of veteran affairs of the incarceration of a veteran at a jail or municipal holding facility.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 10: Dawson, R. Taylor, Carlin, Costello, Dotzler, Edler, Kinney, Koelker, Lofgren, and Ragan. Absent, 1: Miller-Meeks.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on [Senate File 340](#), and they were attached to the committee report.

#### **ALSO:**

**Bill Title:** \*[SENATE FILE 341](#) (formerly [SF 63](#)), a bill for an act relating to assistance animals and service animals in housing, service animals and service-animals-in-training in public accommodations, and misrepresentation of an animal as a service animal or a service-animal-in-training, providing penalties, and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Yeas, 10: Dawson, R. Taylor, Carlin, Costello, Dotzler, Edler, Kinney, Koelker, Lofgren, and Ragan. Absent, 1: Miller-Meeks.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on [Senate File 341](#), and they were attached to the committee report.